

Sumter City-County Board of Appeals

February 10, 2010

BOA-10-03, 3035 Broad St – Real Estate Office (County)

I. THE REQUEST

Applicant:	Charlene Avant
Status of the Applicant:	Contract Purchaser
Request:	Variance from Article 8, Section J, requirements for curbing and guttering for parking lots
Location:	3035 Broad St
Present Use/Zoning:	Vacant Structure/GC
Tax Map Reference:	186-04-01-002

II. BACKGROUND

The applicant, Charlene Avant, requests a variance from Article 8, section J, 8.j.3 Design Requirements, for the property at 3035 Broad St. This +/-1.22 acre property is zoned General Commercial (GC) situated at the corner of Broad St. and Stamey Livestock Rd. in Sumter County. The property has +/-232 ft. of frontage on Broad St. and +/-249 ft. of frontage on Stamey Livestock Rd. The property contains a +/-1800 sq. ft. commercial building that last served as a Contracting Business in 2003.

Land Use & Zoning:

The 2030 Comprehensive Plan designates this property as part of the Priority Commercial Corridor (PCC). Priority Corridor locations are designated for protection against context undesirable uses such as industrial, automotive repair, or uses primarily engaged in outdoor storage. These locations encourage both destination retail commercial uses and neighborhood commercial uses as appropriate. Design, layout, impact on adjacent properties, landscaping, and architecture all play a vital role in determining context viability.

The staff has visited the site and conducted an on-site review of the surrounding properties. Staff believes that the proposed use is in keeping with the property's GC zoning designation, and is consistent with the 2030 Comprehensive Plan.

The current zoning for 3035 Broad St. is General Commercial (GC). The following table details the surrounding uses and zoning districts for all adjacent properties:

	Zoning	2030 Land Use Designation	Types of Uses	Compatible with proposed use (yes or no)
North	GC	SD	Residential	Yes
South	GC	PCC	Vacant	Yes
East	GC	PCC	Gas Station	Yes
West	GC	PCC	Mortgage Company	Yes

PCC = Priority Commercial Corridor, SD = Suburban Development

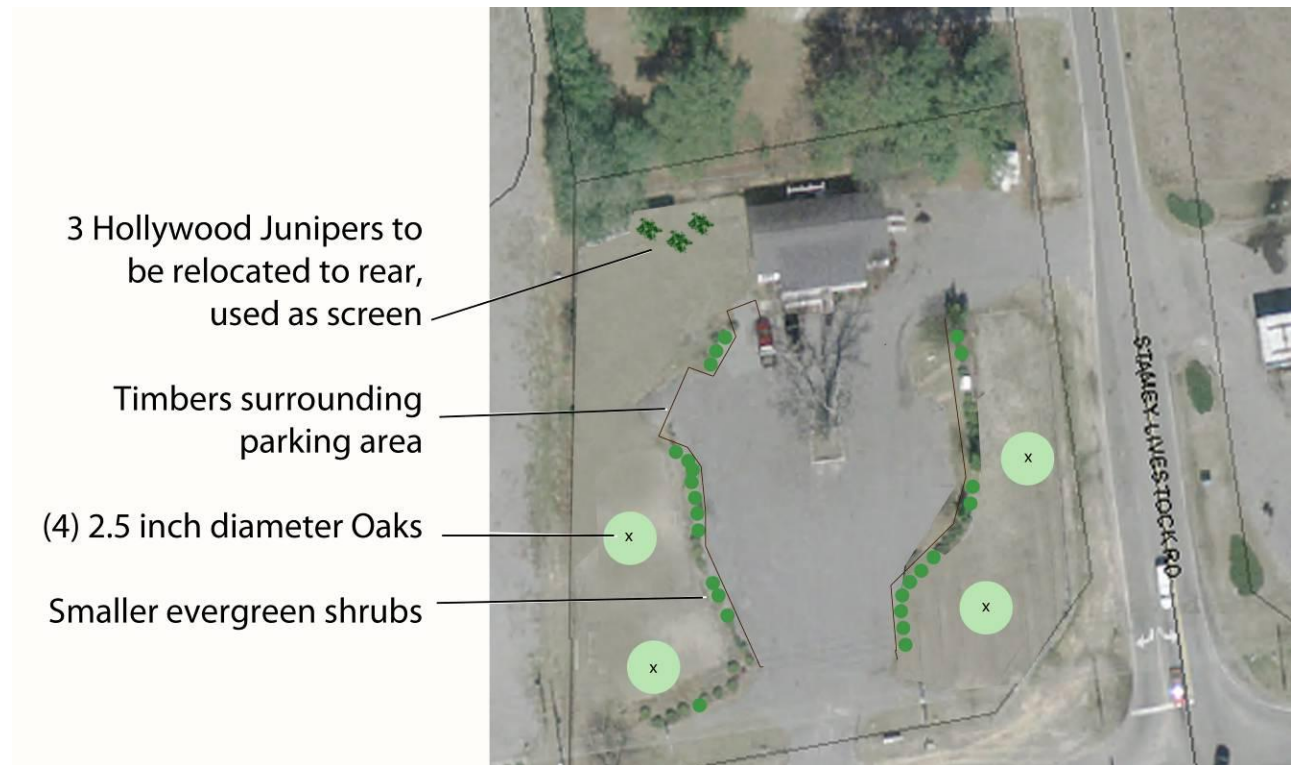
Article 8 Section 8.j.3. Design Requirements:

b. Surfacing, Drainage and Maintenance: *Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys. Parking lots shall be surfaced with asphalt, concrete, or other surfaces approved by the Sumter City-County Planning commission. Off street parking lots shall include concrete curbs and gutters, maintained in a clean, orderly and dust-free condition*

This site is subject to all development criteria found in the County Zoning ordinance that are triggered when a business has been vacant for six (6) or more months or there is a change in use for the structure. Parking and landscaping for this site will be required to be brought up to code in accordance with Article 6 and Article 8 of the zoning ordinance. This means that the applicant is required to provide a minimum of 6 parking spaces (1 space to be a van accessible handicap space) in a paved parking lot with curb and gutter and shall be required to plant an appropriate landscape buffer between his property and the residential property immediately to the north. She will also be required to add additional canopy trees and foundation plantings as required by ordinance. These issues will be addressed at Minor Site Plan review. Staff has evaluated the site and is confident that 6 parking spaces and the necessary landscaping can be accommodated by

this site. The applicant is seeking a variance for the curb and guttering requirements of this ordinance.

Proposed landscaping plan:



III. FOUR-PART TEST

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*

This property has already had extensive landscaping and timbers installed as a curbing around the parking area. A few of the older timbers need to be replaced, and a few areas need to be filled in with new timbers. However, the overall aesthetic nature of the existing parking lot is of high quality. With some cleanup and replacement of some of the timbers, and a few plants to fill in for the landscaping, the site would be very attractive. In this case, the use of attractive timbers as a curbing material has created an exceptional condition on the property.



2. *These conditions do not generally apply to other property in the vicinity.*

These conditions *do not* generally apply to other properties in the vicinity based on the following:

There are no other parking areas in the vicinity that are observed to already have in place an attractively landscaped parking area using timbers as a curbing material.

3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

Application of the ordinance requirement *will* prohibit or unreasonably restrict the utilization of this property due to the following:

While parking and curbing are important components of upgrading an existing commercial site, the aesthetic integrity of existing designs is also important. In this case, the use of landscaping timbers lends an unusual and attractive aesthetic quality to the site which makes application of the ordinance unreasonable. In other words, the timbers are nice looking and add interest to the area, and to remove them and implement concrete curbs would detract from this.

4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

Developing this property with the variances *will not be* of substantial detriment to adjacent property or to the public good. Maintaining the landscaped quality of this particular site will benefit the character of the district by allowing the use of natural materials (in this case, timbers) for certain landscaping and parking needs. While these materials are not the best choice on every site, they are an attractive way to add a natural element to a parking area and still maintain a safe barrier between parking and landscaping.

III. STAFF RECOMMENDATION

The staff has visited the site, reviewed the request and recommends approval of BOA-10-03.

IV. DRAFT MOTIONS FOR BOA-10-03, February 10, 2010

- A. I move that the Zoning Board of Appeals approve BOA-10-03, subject to the findings of fact and conclusions contained in the draft order, dated February 1, 2010 attached as Exhibit
- B. I move that the Zoning Board of Appeals deny BOA-10-03 based on the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-03.

V. BOARD OF APPEALS DECISION – February 10, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, February 10, 2010, voted to approve this request, based on the findings of fact and conclusions on exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-10-03, Charlene Avant
3035 Broad Street
February 10, 2010

Date Filed: February 10, 2010

Permit Case No. BOA-10-03

The Sumter Board of Appeals held a public hearing on Wednesday, February 10, 2010 to consider the appeal of Charlene Avant, for property located at 3035 Broad Street, Sumter, for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The parcel already has in place attractive landscaping and a curb material composed of large timbers. While some minor upgrades and repairs to the site are needed (such as pruning, weeding, adding some more plant material and replacing a few of the timbers) the overall aesthetics of the site are good. To replace this with new curb materials would detract from the overall aesthetic quality of the property.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

These conditions do not apply to other property in the vicinity. None of the adjacent parcels are observed having landscaping or curbing of this type or quality.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the ordinance would significantly detract from the character and overall landscape quality of the site, thereby restricting its use as a place of business.

4. The Board concludes that authorization of the variance ☐ **will**– ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. Allowing a variance for this parcel will actually improve the aesthetic quality of adjacent properties and add an unusual and attractive landscape treatment to the area.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**, subject to the following conditions:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.